

POLK COUNTY BOARD OF ADJUSTMENT
DES MOINES, IOWA

The Polk County Board of Adjustment held a meeting on Monday, May 18, 2020, at 7:00 P.M. **Due to the COVID-19 public health emergency, the meeting was held by voice and video conference. The Public Works building is currently closed to the public. All Commissioners, staff, applicants and public were invited to join the meeting by using the meeting link or phone number that was provided on the agenda.**

A) Roll Call - Members Present: Mike McCoy, David Kinsley, Bonnie Thorn, Ron Fisher and Paul Kruse. Absent: None. Present from the Polk County Public Works Department: Bret VandeLune, Planning and Development Manager; Seana Field, Land Use Planning Coordinator; Brian McDonough, Planner; Jennifer Ellison, Planner; and Ashley Davidson, Recording Secretary. Present from the County Attorney's office was Dominic Anania.

B) Acceptance of the Minutes of the Monday, April 20, 2020, meeting.

It was moved by Thorn and seconded by Fisher, to **APPROVE** the minutes as presented.

Vote: Yea: Thorn, Fisher, McCoy, Kinsley, and Kruse. Nay: None. Absent: None

C) Opening Statement

D) Consent Public Hearing Items – New Business:

Item 1 20/8950 Variance Appeal Application

Request by Adam Lundstrom (Prospective Buyer) with permission from property owners, Eric and Merry Lundstrom, for two (2) Variances to allow a reduced front yard setback of approximately 6-feet (from 35-feet to 29-feet) on the west and allow a reduced side yard setback of approximately 5-feet (from 10-feet to 5-feet) on the east for proposed additions to the existing single family home. The subject property is located at 515 NW 55th Place, Des Moines, Section 10 of Saylor Township.

Item 2 20/8988 Variance Appeal Application

Request by David G. Edwards (Property Owner) for a Variance to allow an increase in the maximum height for an accessory building by approximately four (4) feet (from 24-feet to 28-feet). The subject property is located at 7431 NE 114th Avenue, Bondurant, Section 6 of Franklin Township.

Item 3 20/8998 Variance Appeal Application

Request by Lonbach Real Estate, LLC, represented by Lon Horbach (Property Owner), for a front yard setback Variance for a new single-family dwelling. The subject property is located at 12341 NW 89th Place, Grimes, Section 20 of Jefferson Township.

It was moved by Kruse and seconded by Kinsley, to **APPROVE** the Consent Agenda items in accordance with staff's recommendations.

Vote: Yea: Kruse, Kinsley, McCoy, Thorn, and Fisher. Nay: None. Absent: None

E) Unfinished Business:

Item 1 19/8673 Variance Appeal Application

Request by McKee Auto Center, Inc., represented by Theodore W. Craig, with Dickinson Law Firm, requesting a Variance to allow a reduction to the Open Space Ratio (OSR) decreasing the required open space from 35 percent to approximately 10 percent. The subject property is located at 5095 NE 14th Street, Des Moines, Section 13 of Saylor Township.

Let the record show that Ted Craig, Dickinson Law, 699 Walnut Street Suite 1600, Des Moines, IA 50309, was present to represent the Variance Appeal Application.

The Board Chairman, Mike McCoy, asked for the staff presentation. Jennifer Ellison, Planner, gave the staff presentation and staff recommendation of denial. She gave further clarification of the facts and conditions leading to the staff recommendation of the requested Variance.

Let the record show that Matt Rosseau, Iowa Department of Transportation, 800 Lincoln Way, Ames, IA 50010, was present to speak in Support of the Variance Appeal Application.

Let the record show that Dominic Anania, Polk County Attorney's Office, 111 Court Avenue, Suite 340, Des Moines, IA 50309, was present to speak in regard to the circumstances of the condemnation leading to the Variance Appeal Application.

Let the record show that no one from the public was present in opposition to the Variance Appeal application.

Let the record show that 10 notices were mailed and one (1) response was received in support and none in opposition to the Variance Appeal application.

The Board discussed the matter and determined that they wanted more information before they took action.

A motion was made by Kruse and seconded by McCoy to **TABLE** the Variance Appeal Application, tabling the item to the June 15, 2020 Board of Adjustment meeting.

Vote: Yea: Kruse, McCoy, Kinsley, Thorn, and Fisher. Nay: None. Absent: None

F) Discussion Public Hearing Items – New Business:

Item 1 20/8989 Variance Appeal Application

Request by Chad Quick representing the City of Altoona (Property Owner) for a Variance to the required landscape buffer yard along the eastern property line to utilize a six (6) foot wooden fence as the buffer yard structure and no plantings and a Variance of 23-feet (from 25-feet to 2-feet) to the minimum peripheral setback along the eastern property line for a proposed accessory miniature golf course. The subject property is located at 4584 NE 88th Street, Altoona, Section 20 of Clay Township.

Let the record show that John Shaw and Chad Quick, City of Altoona, 900 Venbury Drive SW, Altoona, IA 50009 were present to represent the Variance Appeal Application.

Let the record show that Rocky Sposato, CS Corporation, 4584 NE 88th Street, Altoona, IA 50009, was present to represent the Variance Appeal Application.

Let the record show that thirty-nine (39) notices were mailed, with three (3) responses received in support and zero (0) responses received in opposition of the Variance Appeal application.

A motion was made by McCoy and seconded by Kruse to waive staff presentation in the absence of opposition and to **APPROVE** the Variance Appeal application in accordance with staff's recommendation.

Vote: Yea: McCoy, Kruse, Kinsley, Thorn, and Fisher. Nay: None. Absent: None

Item 2 20/8990 Conditional Use Permit Application

Request by Chad Quick representing the City of Altoona (Property Owner) for a Conditional Use Permit to allow an outdoor commercial amusement use specifically a miniature golf course as an accessory use to an existing golf course. The subject property is located at 4584 NE 88th Street, Altoona, Section 20 of Clay Township.

Let the record show that John Shaw and Chad Quick, City of Altoona, 900 Venbury Drive SW, Altoona, IA 50009 were present to represent the Conditional Use Permit Application.

Let the record show that thirty-nine (39) notices were mailed, with three (3) responses received in support and zero (0) responses received in opposition of the Conditional Use Permit Application.

A motion was made by McCoy and seconded by Kruse to waive staff presentation in the absence of opposition and to **APPROVE** the Conditional Use Permit Application in accordance with staff's recommendation and the conditions of approval as outlined in the staff report.

Vote: Yea: McCoy, Kruse, Kinsley, Thorn, and Fisher. Nay: None. Absent: None

- G) Communications/Discussion Items - None
- H) Zoning Administrator Report - None
- I) Adjournment

A motion was made by McCoy and seconded by Kruse to adjourn until the next regularly scheduled Board of Adjustment Meeting on June 15, 2020.

Vote: Yea: McCoy, Kruse, Kinsley, Thorn, and Fisher. Nay: None. Absent: None